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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,036	12/05/2001	Robert C. Newman JR.	P/10-584	9569

2352 7590 10/07/2003  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER

A, MINH D

ART UNIT PAPER NUMBER

2821

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,036

Applicant(s)

NEWMAN ET AL.

Examiner

Minh D A

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 22 July 2003.

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-11, 14-21, 25, 28-42, 45-52 is/are allowed.

6) ☒ Claim(s) 12 and 53-56 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 53-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 53-56, the phrase "inherently" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "inherently"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12 and 53-56 are rejected with the best understood under 35 U.S.C. 102(b) as being unpatentable by Konopka et al (US 5,994,847).

Regarding claim 12, Konopka discloses an electronic ballast for driving at least one gas discharge lamp from a source of AC power which has a substantially sinusoidal line voltage at a given line frequency, comprising: a rectifying circuit (100) having AC

input terminals and DC output terminals, the AC input terminals connectable to the source of AC power (20), the rectifying circuit (100) producing a rectified output voltage at its said DC output terminals when the AC input terminals are energized by the source of AC power (20); a valley fill circuit (220 and 240) having input and output terminals; the input terminals of the valley fill circuit connected to the DC output terminals of the rectifying circuit (100); the valley fill circuit including an energy storage device connected to the output terminals of the valley fill circuit; an inverter circuit (300) having input terminals and output terminals; the input terminals of the inverter circuit connected to the output terminals of said valley fill circuit and said output terminals of the inverter circuit connectable to the at least one gas discharge lamp, and producing a high frequency drive voltage for driving a lamp current through the at least one gas discharge lamp when the AC input terminals are energized by said source of AC power; the inverter circuit (300) comprising a clamp winding (350 or 360) coupled to the energy storage device (370) whereby the clamp winding diverts current to the energy storage device to recharge said energy storage device, wherein said current diverted by said clamp winding is the only current which recharges the energy storage device. See figures 4-9, col.2, lines 34-67 to col.6, lines 1-18.

Regarding claims 53-55, Konopka discloses an electronic ballast for driving at least one gas discharge lamp from a source of AC power (20) which has a substantially sinusoidal line voltage at a given line frequency, comprising: a rectifying circuit (100) having AC input terminals and DC output terminals, the AC input terminals connectable to the source of AC power, the rectifying circuit (100) producing a rectified output

voltage at its the DC output terminals when the AC input terminals are energized by the source of AC power; an inverter circuit (300) comprising a single controllably conductive device (340) having input terminals connected to the output terminals of the rectifying circuit; wherein the electronic ballast input current in-rush is inherently limited by the operation of the single controllably conductive device. See figures 4 and 6, col.2, lines 34-67 to col.6, lines 1-18.

Regarding claim 56, Konopka discloses an electronic ballast for driving at least one gas discharge lamp from a source of AC power (20) which has a substantially sinusoidal line voltage at a given, line frequency, comprising: a rectifying circuit (100) having AC input terminals and DC output terminals, the AC input terminals connectable to the source of AC power, the rectifying circuit(100) producing a rectified output voltage at its the DC output terminals when the AC input terminals are energized by the source of AC power; an inverter circuit (300) comprising a single controllably conductive device (340) having input terminals connected to the output terminals of the rectifying circuit (100); wherein the electronic ballast input current in-rush is limited by the operation of the single controllably conductive device (340); wherein the electronic ballast input current in-rush is limited by providing in the inverter circuit (300) an inductance (360 or 350) coupled across the input terminals of the inverter circuit, the inductance (350 or 360) including a tap, the tap coupled to charge a primary energy storage capacitor (370) of the electronic ballast. See figures 4 and 6, col.2, lines 34-67 to col.6, lines 1-18.

***Allowable Subject Matter***

5. Claims 1-11, 14-21, 25, 28-42, 45-52 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest that, the inverter circuit comprising a single controllably conductive device in combination with all limitations recited in independent claims 1,2,3, 8, 13-14,16, 22,23, 26, 40, 43, 49.

The prior art does not teach or fairly suggest that, the device is non-conducting by diverting a portion of the energy stored in the inductor in combination with all limitation recited in claims 45 and 47.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Konopka. (US 5,869,937); Cuk et al.(US 5,416,387); Qostvgels et al (US 6,452,343) are cited to show the ballast circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (703) 605-4247. The examiner can normally be reached on M-F (7:30 —4:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and (703) 872-9319 for final communications.

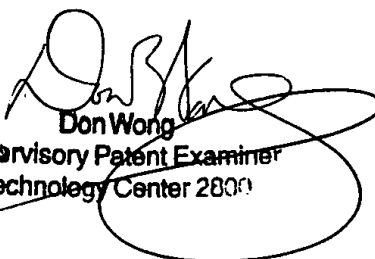
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Examiner

Minh A

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7/27/03

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800